

March 17, 2003

DOCKET NO. 02-01316

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The agreement and the amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.

3) The agreement and the amendments are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the agreement and the amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.



5) No person or entity has sought to intervene in this docket.

6) The agreement and the amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

¹ See 47 U.S.C. § 252(e)(2)(B).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the interconnection agreement and first set of amendments thereto negotiated between BellSouth Telecommunications, Inc. and Cinergy Communications Company are approved and are subject to the review of the Authority as provided herein.


Sara Kyle, Chairman
Pat Miller, Director
Ron Jones, Director